

why the bigger the government, the smaller the private sector, and the smaller the private sector, the smaller the growth, which is our only solution. That is not a theory, that is a reality. Statistics prove that the bigger the government, the higher the unemployment rate. I should have brought the chart I have that shows that every time government size and spending go up, the unemployment rate goes up. Why? For the reasons I just explained. That money the government used to grow came out of the private sector. That is money businesses now don't have to invest or spend.

Let me talk about another place where it hurts. The higher the government, the worse the stock market does. Why is that? I will explain why. People buy stock on the hope that they can make a profit on that stock in the future. The problem is that the more the government spends, the higher the taxes will have to be in the future to pay for that. So if people think taxes in the future are going to be higher and therefore their chances for making money on stock are going to be less, they are not going to buy stock.

Here is the problem. When people buy shares of stock, what they are basically doing is investing money in companies. They are investing money in companies so that the company can grow and make more money, and then the company pays back a profit. But if people are no longer willing to invest money in companies, those companies cannot grow. If those companies cannot grow, that is where people become unemployed, that is where people's hours get cut, and that is where new jobs are not created. It is also why kids who are graduating from college can't find a job. The money has to come from somewhere, and the bigger the government, the less that is available in the private sector to grow. These are facts.

Now, what are the arguments around here? Well, the Bush tax cuts are the existing Tax Code. The Bush tax cuts led to this debt. Well, George Bush cut taxes, and as result the government didn't generate enough money, and that is why we have this debt.

That is false. Our government has grown impressively over the last decade. The problem is that the amount of money we spent has grown even faster.

Listen, it doesn't matter if you get a raise. If you get a raise but your spending grows by even more, you are not going to notice the difference. If you get a \$10,000 raise but you buy something that costs \$20,000 more than what you are spending now, you are going to owe more money. That is what we have done here in Washington—certainly before I got here.

By the way, both parties are to blame. Unfortunately, this is a bipartisan debt, and what has happened is that even though the government has generated more money, it has spent even more. So it is not the Bush tax cuts. That is just not true.

The fact is we have a spending problem. Let me explain what is so dan-

gerous about this spending problem. The Federal Government has grown fast in the past. We have had periods like this before. Let me tell you when they were: the Revolutionary War, the Civil War, World War I, and World War II. During those four periods, government spending grew really fast. But here is the difference: When the war was over, the war was over. The war happened, we won World War II, and things went back to normal. The difference now is that this is not because of a war, this is because we have grown the government. This is permanent. That is the difference between the spike in spending and the other spending in the past. This spike in spending is permanent. That means it is here to stay unless we change. There is no going back to normal.

We have a serious problem, and I have explained why the debt hurts everyone at home. If you are unemployed, if you are underemployed, if you are working twice as hard and making half as much, the debt is part of the problem because the government has taken money out of the private sector. It is money that used to go to you and is now going to the government now and in the future. So the debt is part of the reason why the economy is not growing and why jobs are not being created.

At the end of the day, we cannot tax and simply cut our way out of this. Let me be clear. There are places to save money. I promise, the Federal Government wastes money. We should find that, and we should eliminate it. It is never a good idea to waste money. But we can't just cut our way out, and we certainly can't tax our way out of this debt problem. We have to grow our way out of this debt problem. We have to grow our economy out of it, not our government out of it. The only way to grow our economy is for the private sector to grow, but the evidence is clear that the bigger the government, the smaller the private sector. So therein lies the answer.

When we talk about holding constant and lowering the size of government, it is not some ideological talking point. This is not some conservative-versus-liberal talking point. This is evidence-based. This a fact, and the statistics are clear that the bigger the government, the higher the unemployment rate. The bigger the government, the worse the stock market performs. The bigger the government, the less money there is available to create jobs in the private sector, start new businesses, or grow existing businesses. That is why we have to shrink the size of our government. The sooner we do it, the better we are going to be, and that is what I hope we will work on here in a bipartisan fashion. Both parties helped to create this situation, and now I hope both parties will help to work to solve it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of S. 2237, the Small Business Jobs and Tax Relief Act; that the time until 2 p.m. be equally divided between the two leaders or their designees; that at 2 p.m. the Senate proceed to a vote in relation to amendment No. 2524; that immediately following the disposition of amendment No. 2524, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment No. 2521; that if cloture is not invoked on the substitute amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the substitute amendment, all postcloture time be yielded back, the substitute amendment be agreed to, and the Senate proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the bill, all postcloture time be yielded back and the Senate proceed to vote on passage of the bill, as amended, if amended; that if cloture is not invoked on S. 2237, the bill be returned to the calendar; further, that there be no other amendments or motions in order to the amendments or the bill prior to the votes other than motions to waive or motions to table; that there be 2 minutes equally divided between the votes and all after the first vote be 10-minute votes; and finally, that the Senate then resume the motion to proceed to Calendar No. 446, S. 3369.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Pending:

Reid (for Landrieu) amendment No. 2521, in the nature of a substitute.

Reid amendment No. 2522 (to amendment No. 2521), to change the enactment date.

Reid amendment No. 2523 (to amendment No. 2522), of a perfecting nature.

Reid amendment No. 2524 (to the language proposed to be stricken by amendment No. 2521), of a perfecting nature.

Reid amendment No. 2525 (to amendment No. 2524), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2526, to change the enactment date.

Reid amendment No. 2527 (to (the instructions) amendment No. 2526), of a perfecting nature.

Reid amendment No. 2528 (to amendment No. 2527), of a perfecting nature.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPARENCY IN GOVERNMENT

Mr. GRASSLEY. Madam President, President Obama and his administration claim to be open and above board in their actions. As recently as July 1, the White House Chief of Staff, Jack Lew, told a television audience:

This administration has been the most transparent administration ever.

So I come to the floor now to say that is simply not the case, and I am going to highlight an outstanding example of how it is not the case.

Last month, an attorney with the Department of Justice from the Civil Rights Division attended a public meeting in Louisiana—a public meeting in her official capacity. Before the meeting began, this attorney, Rachel Hranitzky, reportedly asked whether any representatives of the media were present at this meeting. A reporter from the Daily Iberian identified himself. This Justice Department attorney then announced: “You can quote those who speak, but you can’t quote me.”

On what basis does the Justice Department presume to tell a reporter who can be quoted at a public meeting? The reporter had the same question. It has been reported that he asked her to cite legal authority which would support her claim that he could not quote a Justice Department attorney at a public meeting. Ms. Hranitzky provided no such law. She did say the Justice Department has special rules on how its attorneys can be quoted. She did not back up that statement, however. So here is a public meeting anyone could attend and hear a lawyer from their government speak on civil rights enforcement. Yet a representative of that government claimed that it was the policy of the Justice Department that the press would have fewer rights than the general public to quote what that government representative said at that public meeting. This undercuts the claim that “[t]his Administration has been the most transparent administration ever,” going back to the quote of the Chief of Staff.

This refusal to allow the public to know how government officials are performing their job is totally unacceptable—and I hope to everybody it would be unacceptable.

As appalling as this reported action was, what followed was even worse. Ms. Hranitzky tried to kick the reporter out of an open meeting because he questioned her. She relented after he said—regrettably but understandably,

in my view—that he would not quote her.

Then the Justice Department attorney totally abused her power, according to press reports. She told the reporter she could have the Justice Department call the newspaper’s publishers or editors and say something such as this: You don’t want to get on the Department of Justice’s bad side.

That statement represents a raw abuse of power.

We expect the Justice Department to investigate law-breaking and pursue appropriate cases without regard to politics. Threatening to use the power to bring a criminal case or civil action against any entity because it had the temerity to insist that the Department of Justice obey the first amendment is outrageous.

The newspaper has protested to the Justice Department and has not, to my knowledge, received any response. The Department’s public comment on the incident does not deny that any of the reported statements were made.

That the Civil Rights Division and the Department of Justice have not committed to allowing the press to quote its attorneys at public meetings a month after one of its attorneys has claimed that it is the Department’s policy not to permit such reporting is completely unacceptable. It leads one to ask: What does the Civil Rights Division wish to hide?

I have received many complaints concerning the enforcement actions of the Civil Rights Division. When the division’s attorneys will not allow themselves to be quoted, we can only conclude that they are saying things about enforcing the law that the American people would never accept.

There are no statutes that deny the media the right to quote statements of Justice Department officials that are made at public meetings. If there were, they would violate the first amendment’s protection of freedom of speech as well as protection of freedom of the press. There should be no Justice Department policies to that effect either, and for the very same reason.

This administration says it is transparent. It wants people to believe that, but then it wants to prevent the press from reporting what it says in public. To carry out that plan, it threatens those reporters with a politically motivated legal action. That is thuggish, not transparent.

To the extent the Department has a policy of preventing the press from quoting the statements of its attorneys at public meetings, that policy should be reversed immediately to comply with the first amendment. Whether it has a policy or not, the attorney who claimed that such a policy existed and tried to expel the reporter from a public meeting because he might quote her, and threatened the reporter for getting on the Department of Justice’s bad side, should be appropriately disciplined.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I rise today to speak in support of the Small Business Tax Cut and Job Creation Act.

Families throughout North Carolina are facing a difficult economy right now. I have said repeatedly that the people of our State cannot wait until after the election for Congress to work on solutions to speed up our economic recovery. That is why I am pleased the Senate has agreed to consider this small business legislation.

This is a bill that will help North Carolinians get back to work this year in industries such as health care, finance, construction, manufacturing, and retail.

This legislation supports businesses that expand payroll or invest in new equipment, and there are estimates that it will put 27,000 unemployed people in my State back to work. It does this by creating an incentive for North Carolina small businesses to add new jobs in 2012 by giving businesses a 10-percent income tax credit on new payroll.

And it encourages businesses to make new investment by extending the 100-percent business deduction on qualified property. Providing real tax relief that lowers the cost of doing business should be a bipartisan idea and it is one I will support.

I also want to express my deep appreciation to the Small Business Committee chair, Senator LANDRIEU, for including a proposal of mine in her SUCCESS Act amendment. This amendment would put us on the path to establishing a common application for small businesses to apply for Federal assistance across agencies, across departments, and programs with a single application.

Frequently I hear from small business owners who tell me that government redtape is preventing them from growing their businesses and creating jobs. We need to slim down this bureaucratic redtape. I believe our small business should not have to be responsive to the whims of the Federal bureaucracy. The Federal Government needs to be responsive to the needs of our small businesses.

In February, I introduced the Small Business Common Application Act, which would establish a common application that allows small business owners to apply for grants, seek technical assistance, and bid on contracts from the Federal Government with a single form. It would function much like the common application students use today to apply to multiple colleges and universities.

Senator LANDRIEU's amendment would put us on the path toward creating a common application by establishing an interagency executive committee with representatives from 12 different agencies and departments that will report back to Congress and the SBA within 270 days on whether a common application is feasible.

This is a commonsense bill that I believe both sides of the aisle can agree to to cut the paperwork burden on our small business owners.

I ask unanimous consent that all time spent in quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, before too long here we are going to be voting. We are going to have three votes, I think, on whether we are going to move forward on a tax bill. I frankly think there are things in the underlying bill that is before us today that would do some good. The bonus depreciation provision is something many of us have supported in the past. We think that is good tax policy with regard to encouraging small businesses to invest, by giving them a quicker way to write off those capital investments. So there are some things in the underlying bill that make some sense.

But the whole exercise we are going through here is a charade for a couple of reasons. One, you cannot originate revenue measures in the Senate. That is something that has to happen in the House of Representatives. So anything that comes out of here, if it were to pass, would be blue-slipped by the House of Representatives. You have a constitutional issue to deal with here in the first place.

Secondly, you have a procedure, a process set up whereby there is not an opportunity for us to offer amendments. We put a tax bill on the floor, a piece of legislation, a vehicle that ought to be open to amendment. There are many of us with ideas about things that we think would promote economic growth and create jobs in our economy, but we are not going to have the opportunity to offer those amendments.

Frankly, a tax debate is something that many of us welcome. We think that talking about taxes is certainly something that, if you are someone who is concerned about the economy, if you are someone who is concerned about getting Americans back to work, certainly talking about the Tax Code and its impact on our economy is a very relevant debate. Frankly, we ought to be headed toward a reform of our Tax Code which today is way too

complicated and, frankly, it needs to be overhauled.

But in the interim, we have coming up now on January 1 of next year a bunch of tax provisions, current tax policy, that expires. In anticipation of that, we have a lot of businesses that are very concerned. There is uncertainty out there among job creators in our economy about what is going to happen on January 1, and is Congress going to act to put off these tax increases that will occur on January 1 or are they going to allow them to go into effect, in which case many businesses would be dramatically impacted by having higher tax burdens, making it more difficult for them to create jobs.

I do not think there is anybody out there, those who study economics, even those of us who do not, just as a matter of common sense, on a very practical level, who would think that raising taxes on people who create jobs, on small businesses, would be something that would be good in an economy that you are trying to get back on its feet, trying to get to recover.

In fact, the President of the United States in 2010 said it would be a blow to our economy if tax rates went up on small businesses. Well, that was back at a time when economic growth was a little over 3 percent. Here we are 2 years later. Economic growth is much slower. We are growing at a more sluggish rate, about 2 percent. There is a concern that even that is going to slow down as we approach the end of the year.

And yet we have this threat hanging out there on the horizon, looming, of higher taxes on small businesses, the very people we rely upon to get Americans back to work, to create jobs, and to get this economy growing again.

What we ought to be thinking about is what can we do to promote economic growth. We ought to be thinking about what are those tax policies we can put in place. I hope that will be the purpose of tax reform when we get there. I hope that is soon as well. As I said before, I think tax reform is critical if we are going to see economic growth and if we are going to do away with the complex Tax Code we have today and replace it with something that makes much more sense, it is more clear, more simple, more fair for American businesses and people across this country who are filing their tax returns every year.

But we ought to be looking at what can we do to promote economic growth. All of our tax policy ought to be oriented around getting this economy growing and expanding again, because in so many ways that helps address many of the other problems we are confronting. We have this huge out-of-control debt problem. Obviously it needs to be addressed through spending reductions, trying to make government more efficient, smaller, more limited, rather than the government we have seen here the last few years that continues to grow as a percentage of our economy. The government as a per-

centage of our economy today is at the highest level we have seen literally since the end of World War II. We are at about—24 or 25 percent of our entire GDP now is represented by Federal spending. So we have got to get government under control, which means we have got to address some of the drivers of Federal spending, including Medicare, Medicaid, Social Security. That means these entitlement programs so many people rely upon, in order to save them, have to be reformed. If we are going to get them on a sustainable fiscal path, if we are going to make sure they are there for future generations, we have got to reform our entitlement programs and get the government spending back at a more reasonable level, more consistent with what we have seen historically, which is about 20 to 21 percent of our entire economy.

So it starts there. But then you have to couple the reductions in government spending with economic growth. The way ultimately that we get to where we need to be as a Nation is we have to get the economy growing and expanding again. It is counterintuitive to me and to most Americans, I think, to suggest that the way to do that would be to raise taxes on the very people you are looking to create jobs and to grow this economy. Those are our small businesses. So when the President came out earlier this week and suggested we ought to allow the tax rates to expire for people who make more than \$250,000, what he was talking about, according to the Joint Committee on Taxation, was almost 1 million small businesses, almost 1 million small businesses, if we do not take steps to avert it on January 1. They are going to see their taxes go up. Those small businesses I am referring to employ 25 percent of the American workforce. Most of them are small businesses organized as subchapter S corporations, LLCs, which means their income flows through to their individual tax returns and they pay at the individual rate level.

So as a consequence, when you start raising taxes for people above \$250,000, you are hitting 1 million—almost 1 million, I should say—of those small businesses that are going to be faced with higher tax burdens and higher tax liabilities. That to me is completely counterintuitive to what we ought to be thinking if we are interested in getting the economy growing again. We should not be making it more difficult, more expensive for small businesses to create jobs, we ought to be looking at what we can do to lessen the burden on our small businesses and to keep that tax burden, that regulatory burden, at a level that does not create impediments and barriers to them going out and investing and creating jobs.

The President's proposal is exactly the opposite of what we should be doing. And 53 percent of the income I mentioned—these companies that are organized, small businesses as S corporations, LLCs—53 percent of that income would be faced with a higher tax

burden come January 1 unless we take steps to avert it. What the President proposed essentially was allowing taxes to go up on those very small businesses.

So I hope not only will we turn down the President's proposal, but that we will be thinking about what we can be doing to simplify the Tax Code, that would lower rates businesses in this country pay, and provide incentives for them to get people back to work. Again, by that I mean policies that promote economic growth.

There are so many things we ought to be doing that we are not doing now that I think would provide the necessary policies to encourage and enable small businesses to grow their business, make those investments, and put people back to work. There are a number of things that our small businesses face that are not directly related to the Tax Code but indirectly related: regulatory burdens and more agencies spending time on more regulations making it difficult and more expensive to create jobs.

Regulatory reform ought to be part of an agenda here. If we are serious about policies that will grow the economy, we ought to deal with the overreaching regulations that create excessive burdens for the small businesses and couple that with tax reform.

One of the burdens we have placed on small businesses of late is the ObamaCare legislation we passed a few years ago. There has been some debate about the question of whether the individual mandate is a penalty or a tax. We know one thing: It is a cost that will be borne by a lot of people across this country. We also have the mandate or requirements imposed upon small business—employer mandates that will increase the cost of our small businesses—the cost of doing business for them out there.

All of these things that have been put in place drive up the cost of doing business, make it more difficult and expensive to create jobs in this country—rather than looking at what we can do to make it less expensive and less difficult to create jobs.

Regarding the health care bill, we talked about the individual mandate and who is impacted. By the way, according to the Joint Committee on Taxation, 77 percent of the people who would be impacted by the individual mandate tax are people who make less than \$120,000 a year. The President promised, when he was running for office, he would not raise taxes on anybody who makes less than \$250,000 a year. Clearly, one of the many broken promises in the health care bill was the individual mandate and its impact on the very people on whom he said he would not raise taxes—middle-income Americans who make less than \$120,000 a year. According to the Joint Committee on Taxation, 77 percent of those people would see higher taxes.

It is a significant amount of tax, \$54 billion over the next 10 years. If you

think about the amount of revenue raised by the individual mandate tax, it is actually more in revenue than would have been raised by the so-called Buffet tax designed to get millionaires in this country to pay more in taxes. So we are levying a tax on middle-income Americans that actually is going to exceed in revenue the amount raised by the so-called tax on millionaires. It is ironic, but that is exactly what the ObamaCare bill will do.

In addition to that there are a series of other taxes that are imposed on people across this country. Many of them strike at middle-income Americans. There are about \$250 billion in taxes that are imposed on our economy that will be passed on, in many cases, to consumers, and the impact is to raise the cost of health care. Taxes on health insurance plans, taxes on pharmaceuticals, taxes on medical devices, self-insured health plans—a whole range of taxes that are included in the ObamaCare legislation, are going to hit middle-income Americans squarely in the face. Not only do we have the individual mandate tax but all these others that are included in the ObamaCare legislation that will hit working people across this country.

Look at all the burdens associated with those taxes and the regulations that are coming out of many of the agencies in our government now, and all you see, if you are a small business, is a higher cost of doing business, more uncertainty about what is going to happen in the future, and it is just that much more difficult when it comes to making determinations about growing your business or starting a new business and creating the jobs that are so important to our economy.

When we talk about the economic circumstances that we are in today, everybody focuses on the unemployment rate, of course. We have now had more than 8 percent unemployment for 41 straight months. We have 23 million Americans who are either jobless or underemployed in our economy. And 5.4 million Americans have been unemployed for a long period of time. We have the weakest recovery, literally, since the end of World War II.

Yet what is the prescription that the President and many of his allies in Congress have for that? Higher taxes. It is higher taxes on the people who create jobs. Can you think of anything that makes less sense if you are really interested in economic growth and creating jobs? That is absolutely the opposite of what we ought to be doing. We should not be raising taxes on those 1 million small businesses—subjecting them and the 25 percent of the workforce who work for them to the possibility that there will be higher taxes. Their jobs can be in jeopardy.

We ought to look for ways to provide certainty, and we should extend the existing rates so small businesses out there trying to make decisions about what they are going to do in the future can know for sure what the rules are,

but, more importantly, also know that their taxes will not go up on January 1.

There is a Congressional Budget Office analysis out there which suggests that come January 1, when we hit the so-called fiscal cliff, which includes the increase in the tax rates as well as the sequester on spending that was put into place as part of the Budget Control Act, that if nothing is done to avert that fiscal cliff, in the first 6 months of next year we will see up to 1.3 percent less economic growth. But just as important, not only is that a factor we deal with next year, it is also something that impacts us right now, today, because the CBO also found it could cost a half point of economic growth this year, right now. It is because of this uncertainty, because of the specter of tax rates going up on small businesses come January 1 of next year.

What we ought to be doing instead of talking about what we are going to do or raising taxes on small businesses in this economy is looking to extend the rates that exist today so those rates don't go up, giving businesses certainty, and then following up on that next year with tax reform which broadens the tax base, lowers rates, gets us more competitive in the global marketplace, and is more clear, more simple and fair for American businesses.

Until that happens, the very worst we could be doing now, in my opinion, is raising taxes, for all of the reasons I just mentioned. It creates uncertainty, obviously, and raises the cost of doing business in this country. It hits the very people we are hoping are going to lead us out of this economic malaise we are in today.

Again, I also say with regard to this issue, the issue of taxes is so important to businesses. The issue of regulations is so important to businesses. Those are things, if we are serious about an agenda to get Americans back to work, we ought to be focused on.

That is why we ought to be repealing ObamaCare. That \$248 billion in taxes—that is not the total amount of taxes; it is over \$500 billion in taxes that will be imposed as a result of ObamaCare. These are the taxes that hit middle-income Americans, according to the Joint Economic Committee. Not only do we have the \$248 billion or \$250 billion that hits middle-income Americans, we have an additional 3.8 percent tax on unearned income that would hit high-end earners, as well as a new Medicare tax on high-end earners. We have so many taxes coming at this economy now it is hard to fathom.

That should not be complicated by doubling down with our small businesses and essentially telling them that come January they are going to see their rates go up. For the people paying the 35-percent rate today, it would go up to 39.6 percent. Capital gains will go up from 15 to 20 percent. Dividend rates are going up from 15 to 39.6 percent. This is a very real issue, a real-time issue. It is having an impact

on the economy today. We should do everything we can to avoid that.

I hope when we are through with what is a charade, and we have the votes on this bill—which, as I said, because the revenue measures don't originate in the Senate; they originate in the House, they would be blue-slipped if it passed here because this is a process where Republicans are not allowed to offer amendments. This is a tax vehicle on the Senate floor. But in the terms we use in the Senate, the majority leader has "filled the amendment tree," making it virtually impossible for Republicans to offer amendments that we would like to see debated and voted on.

When this charade is completed, I hope the majority leader will decide we need to have a debate about taxes and what we can do to promote economic growth, a debate on whether we are going to extend the rates that will expire January 1, meaning higher taxes for nearly 1 million small businesses to whom we are looking to get us out of this recession and get Americans back to work. I hope that will be the debate and vote we will ultimately have when this particular political exercise is completed today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2524

Mr. BAUCUS. Madam President, I would like to say a few words about the next vote, which is the Cantor amendment.

The Cantor amendment, just to review, would give a 20-percent deduction to all businesses that employ fewer than 500 people. The 20-percent deduction is calculated on U.S. source business income and is limited to 50 percent of the W-2 wages paid. In other words, the business must be paying at least twice the amount of the deduction in wages. In addition, taxpayers cannot get both this deduction and the 90-percent manufacturing deduction; the main point being this Cantor bill is a gross giveaway. It gives businesses a 20-percent deduction for simply earning income. They do not have to do anything, just earn income and get a 20-percent deduction.

The amendment allows businesses to avoid paying taxes on about one-fifth of their profits as long as they employ fewer than 500 people. That is virtually 99 percent of all American companies. Worse still, it provides a temporary reduced tax rate. This would incentivize businesses to defer making investments, hiring new employees or increasing wages in order to increase profits. That is because the larger the profits, the larger the tax deduction under this bill.

Rather than creating jobs or investing in business, the Cantor bill incentivizes the opposite. It incentivizes businesses to sit and wait rather than to invest in people or equipment. It does not make any sense to spend \$46 billion for only 1 year of the provision, as proposed in this bill.

This is a giveaway, frankly, to almost all companies—99.6 percent of the companies in the United States—to hedge funds, to partnerships, and private equity firms. Almost all employ fewer than 500 employees. It is absolutely the wrong policy for this Nation to adopt.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANDERS). Under the previous order, the question is on agreeing to amendment No. 2524.

A motion to table has been made. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote "aye."

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—73

Akaka	Enzi	Murray
Alexander	Feinstein	Nelson (NE)
Ayotte	Franken	Nelson (FL)
Barrasso	Gillibrand	Portman
Baucus	Graham	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Risch
Blumenthal	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (OH)	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Coats	Leahy	Thune
Coburn	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Warner
Corker	McCaskill	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wyden
DeMint	Mikulski	
Durbin	Murkowski	

NAYS—24

Blunt	Heller	McCain
Boozman	Hoeven	McConnell
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Roberts
Cochran	Isakson	Shelby
Collins	Kyl	Snowe
Grassley	Lee	Vitter
Hatch	Lugar	Wicker

NOT VOTING—3

Kirk	Moran	Udall (NM)
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield to my distinguished colleague. Mr. MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

SENATOR COLLINS' 5,000TH CONSECUTIVE ROLLCALL VOTE

Mr. MCCONNELL. Mr. President, the Senator from Maine, Ms. COLLINS, has just passed an important milestone, her 5,000th consecutive rollcall vote, a tenacious accomplishment indeed that represents the work ethic and dedication Senator COLLINS has for the people of Maine and for the Senate. We all know she is one of the hardest working Members of the Senate.

Listen to this. Since she was sworn in, in January, January 3 of 1997, she has been present for every single rollcall vote. That is over 15 consecutive years, never missing a vote.

Senator COLLINS is actually in quite an elite company. Recently, she passed Senator Byrd and is now third all time behind Senator CHUCK GRASSLEY and the late Bill Proxmire from Wisconsin. I know she took great pride also in being in the company of her role model, a woman who played a major role in her decision to run for public office in the first place, fellow Maine Senator Margaret Chase Smith, who is currently No. 5 on the list.

On behalf of the entire Senate, I congratulate Senator COLLINS for this milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is a remarkable accomplishment. I hope I do not get her into trouble with her colleagues, but I truly like her. I appreciate her capability to work with us, work with everybody. She is somebody whom we never have to guess where she stands on an issue and I admire and appreciate her so much for that. I have worked with her on issues going back for many years and I again say I appreciate what she has done.

She has great genes. Her mother and father each served as mayor of a small town in Maine, a place called Caribou. I don't have fond memories of Caribou because in my, I think, 1998 race, there was a great mailing we did. One of my consultants from—not from Nevada, that is for sure—instead of having deer, they had caribou on my campaign literature. It took me a while to figure that one out. I am sure the town of Caribou was bigger than my campaign spot.

Her family ran a lumber business. Her father was also a State senator.

I am confident Susan has learned to be the Senator she is because of Bill Cohen. I had the pleasure of serving with him. He is a good man—from Maine. I served as a junior Member when he was chairman of the Aging Committee and he was such a wonderful man. I still talk to Bill Cohen. She has many of his traits. As we know, she worked for him. He has been a great Secretary of Defense. He has just been a good person, and I am confident her ability to be the legislator she is, a lot of it is attributed to him.

She has always been known for her ability to compromise. Legislation is

the art of compromise, and she works with all Members.

I think the tone she has set working with JOE LIEBERMAN is magnificent. They have run that committee with dignity and on a totally bipartisan basis.

Five thousand votes—frankly, a number of us have cast 5,000 votes, but it is ridiculous, the example she has set, never missing a vote. I wish her the very best and many years to serve in the future of the Senate.

(Applause.)

Ms. MIKULSKI. Mr. President, I want to take this opportunity to honor Senator COLLINS, a colleague and dear friend, on her landmark 5,000th consecutive vote.

Since becoming a Senator in 1997, Senator COLLINS has never missed a single vote. This is a sign of her commitment to the people of Maine and the entire country. The commitment began in her home. Her parents taught her what it meant to work hard and serve the people, both in the family-owned lumber business and both as mayors of her hometown of Caribou, ME. She has carried on their legacy and deep commitment to public service.

I stand here in recognition of Senator COLLINS because her 5,000 votes have stood not only for the people of Maine, but for our great Nation. She has stood for science, innovation and research, women's equality and veterans. Her voice and her votes have shaped and will continue to shape our Nation.

Let me tell you a little bit about what her votes have accomplished. Senator COLLINS is a fighter for funding for science, innovation and research. Together we cosponsored the Spending Reductions through Innovations in Therapies (SPRINT) Act which would spur improvement in research and drug development for chronic health conditions such as Alzheimer's.

When I reach across the aisle, I know Senator COLLINS is there to find a sensible center that will be good for America.

Her leadership has extended beyond her bipartisan efforts. She continues to serve as a role model for young women nationwide. As a fellow Girl Scout, we both learned that determination, principles and respect for others are the foundation for a productive future. We designated 2012 the "Year of the Girl," in support of Girl Scouts and the organization's lasting lessons.

Today we celebrate Senator COLLINS' record of integrity, unsurpassed work ethic, and a steadfast commitment to the people of Maine. Her voting record is exemplary of the fact that we are continuing to crack the marble ceiling. Not only are women getting elected to the Senate, we are raising hell, holding powerful leadership positions and taking on America's biggest issues.

She is a valued Member, colleague and dear friend. Congratulations Senator COLLINS on your 5,000th vote and your extraordinary commitment to the people of Maine and our great Nation.

Mr. DURBIN. Mr. President, I am delighted to add my voice to this chorus of congratulations for our colleague on her singular and remarkable achievement.

It seems fitting that Senator COLLINS would reach this historic milestone just after the All Star Game because this really is a Hall of Fame sort of accomplishment.

With that 5,000th consecutive vote she cast moments ago, Senator COLLINS now holds the third-longest voting streak in Senate history. In the entire history of the United States Senate, the only Members with longer unbroken voting streaks are William Proxmire, who is way out front with 10,252 consecutive votes, and Senator GRASSLEY, with 6,393 consecutive votes.

But here is the thing about Senator COLLINS: She is the only Senator who has ever hit that mark without missing a single vote—the only perfect voting record among the 5,000-consecutive votes Hall of Famers.

Senator COLLINS' historic voting record is a reflection of her dedication to the hardworking people of Maine and a testament to her respect for this Senate.

We have heard about some of the lengths Senator COLLINS has gone to to preserve her unbroken voting streak, including how she once twisted her ankle running in high heels to cast a vote.

That vote was to protect the State Children's Health Insurance Program, and working parents and their children in my State of Illinois and throughout America are grateful to her for her pains.

That is the other remarkable thing about Senator COLLINS' voting record. It is laudatory not only for the number of consecutive votes Senator COLLINS has cast but also for the courage behind many of those votes.

Senator COLLINS and I were elected to the Senate in the same year, 1996. As freshman Senators, we cosponsored a successful bill to repeal a \$50 billion tax break for the tobacco industry.

We have worked together to combat Medicaid fraud and improve food safety.

Along with Senator SNOWE, Senator COLLINS voted for Wall Street reform and for the economic recovery plan that may well have kept America from tipping into a depression.

She voted for the Lily Ledbetter Fair Pay Act, and she voted to confirm both Sonya Sotomayor and Elena Kagan to the U.S. Supreme Court.

I hope I don't get her into trouble with this list.

Her voting record is in keeping with Maine's tradition for independent thinking.

When SUSAN COLLINS was a senior in high school, she came to Washington and had an amazing experience. She was able to talk to her hero and home State Senator, Margaret Chase Smith, for nearly 2 hours in her office.

Senator COLLINS later told a reporter: "I remember leaving her office

thinking that women can do anything and that women can get to the highest levels of government and make a difference."

Years earlier, Margaret Chase Smith had made history of her own when she delivered her famous "Declaration of Conscience" speech. In that speech, she urged Senators to reject the destructive anti-communist hysteria being whipped up by Joe McCarthy.

Senator Smith said then: "As an American, I want to see our nation recapture the strength and unity it once had when we fought the enemy instead of ourselves."

We can hear echoes of that famous plea in an op-ed Senator COLLINS wrote for The Washington Post a few months ago.

As Senator COLLINS wrote: "[N]either party has a monopoly on good ideas. The challenges we face will not be met by those who believe compromise is a dirty word. . . . The center will hold only if we put the same effort into unity that partisans put into division."

She is right.

On a more personal note I want to say that not only does Senator COLLINS have one of the best voting records in this Senate, she also has the best taste in books of just about anyone I know. She reads constantly, and I am grateful to her for the many good books and talented authors she has introduced me to.

A year ago, some gay veterans and other Mainers hosted a reception to thank Senator COLLINS for her courageous cosponsorship, with Senator LIEBERMAN, of the bill to allow gay men and lesbians to serve openly in America's Armed Forces.

At that reception, a Navy veteran who spent her time in the service hiding her sexual orientation presented Senator COLLINS with one of her ship's coins, which are awarded to Navy personnel for going beyond their duty.

And an 80-year-old man and lifelong independent voter praised her by saying, "Senator COLLINS is . . . filling the high heels of Margaret Chase Smith wonderfully."

We know that even when those high heels cause her to twist her ankle, they cannot keep her from casting her vote and making history.

Once again, I congratulate Senator COLLINS on this singular achievement.

And looking forward to the happy milestone she will celebrate next month, Loretta and I give Senator COLLINS and her husband-to-be our best wishes for many years of happiness together.

AMENDMENT NO. 2521

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think we are on the Landrieu amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I discussed this amendment in great detail yesterday, so there is no reason to review it. I thank many Members of the Small Business Committee on both sides of the aisle for putting forth some terrific, very popular, and effective ideas for small business: 100 percent exclusion of capital gains, decreased deductions for startup expenditures, S corporation holding period reductions, carryback on business credits, and expensing of 179—all very familiar to this body and absolutely critical for investing in our small business. The bill only costs \$4 billion compared to some of the other numbers that are being thrown around here. We think it is very cost effective, and I ask for the support of the body.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Mr. President, I yield back time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 2521 to S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Max Baucus, Benjamin L. Cardin, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2521, offered by the Senator from Nevada, Mr. REID, for Ms. LANDRIEU, to S. 2237 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—57

Akaka	Cardin	Hagan
Baucus	Carper	Harkin
Begich	Casey	Heller
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson (SD)
Blumenthal	Cooms	Kerry
Boxer	Durbin	Klobuchar
Brown (MA)	Feinstein	Kohl
Brown (OH)	Franken	Landrieu
Cantwell	Gillibrand	Lautenberg

Leahy	Nelson (FL)	Stabenow
Levin	Pryor	Tester
Lieberman	Reed	Udall (CO)
McCaskill	Reid	Udall (NM)
Menendez	Rockefeller	Vitter
Merkley	Sanders	Warner
Mikulski	Schumer	Webb
Murray	Shaheen	Whitehouse
Nelson (NE)	Snowe	Wyden

NAYS—41

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Hoeven	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Wicker
DeMint	Manchin	

NOT VOTING—2

Kirk	Moran
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The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes of debate equally divided.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I think minds are made up. I just suggest that both sides yield back the remainder of the time and vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Max Baucus, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Benjamin L. Cardin, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	Manchin	Wicker
DeMint	McCain	

NOT VOTING—3

Boxer	Kirk	Moran
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, S. 2237 is returned to the calendar.

Mrs. MCCASKILL. Madam President, today I voted in support of invoking cloture on Senate Amendment 2521 to S. 2237, offered by Senator LANDRIEU. I supported cloture on this substitute amendment because, overall, Senator LANDRIEU's legislation would help our Nation's small businesses grow and find new markets. However, I had some concerns with aspects of the legislation that would increase sole-source contracting. In general, we need to ensure that where noncompetitive contracting programs are authorized, they are narrow and fair. In light of the fact that cloture was not invoked on the amendment, I look forward to working with Senator LANDRIEU on her legislation in the future.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the motion to proceed to S. 3369.

The Senator from Louisiana.

SUCCESS ACT

Ms. LANDRIEU. Madam President, before we end the debate on the small business tax relief bills, I want to thank the 57 Members of this Senate who voted for the SUCCESS Act. The SUCCESS Act has been building support, strong support across the aisle